

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO,
et al.,**

Defendants.

CIVIL NO. 12-2039 (GAG)

JOINT MOTION IN COMPLIANCE WITH COURT ORDER D.E. 1134

TO THE HONORABLE COURT:

Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico, et al. (collectively, “the Parties”), together with the Technical Compliance Advisor (the “TCA”), file this Joint Motion in accordance with the Court’s March 4, 2019 order (D.E. 1134). This Joint Motion is intended to inform the Court of the status of Defendants’ information technology projects and electronic systems (“IT”), as well as to inform the Court of a proposed timeline for the submission of “an effective plan of action” to “allow rapid, efficient, and appropriate data collection for the various areas of the police reform.” *Id.*

I. BACKGROUND

1. The Agreement for the Sustainable Reform of the Puerto Rico Police Department (“PRPD,” now the Puerto Rico Police Bureau, “PRPB”) provides that the PRPB “shall establish information systems and utilize technology *to support* the implementation of this Agreement in an efficient and effective manner.” Agreement ¶ 218 (emphasis ours).

2. To comply with Paragraph 218 and other related requirements of the Agreement, the PRPB began to develop its Action Plan on Information Systems and Technology (the “Action Plan”) in 2014.

3. The Action Plan was finally approved by the Parties and the Technical Compliance Advisor (“TCA”) on October 16, 2016, and submitted to the Court on July 22, 2017. D.E. 550-1.

4. Since its approval in 2016, and in line with the IT Implementation Activities described by the PRPB within the Action Plan, the Commonwealth reports that PRPB has made significant progress in this area, as detailed below.

5. On March 14 and 15, 2019, the Parties met with the Monitor’s Office to discuss the monitoring methodology that will be used during the compliance phase of the case. As part of the discussions, the Parties and the Monitor’s Office considered the various IT projects that are underway at PRPB, including the opinion prepared by the Monitor’s IT consultant, Scott Cragg, pursuant to the March 4th Order in D.E. 1134. *See Mot. Submitting Document, D.E. 1140.*

II. PROGRESS AND STATUS OF PRPB’S IT SYSTEMS

To date, the Commonwealth reports that PRPB has identified and worked on twenty-six (26) IT projects, all of which are important to support the PRPB’s implementation of the Agreement, but more importantly for the PRPB to improve its operational capabilities. Fifteen (15) of the 26 projects have been completed¹, eight (8) are currently in development, and three (3) are currently being designed. Specifically, the status of each of the IT projects is as follows:

Fifteen (15) IT Systems Completed

¹ For purposes of this informative report, the term “completed” means that the project has been developed and is currently being implemented or currently awaiting implementation. It does not mean that the system is fully operational and in use by all affected members of PRPB. The Monitor has not conducted compliance reviews of these systems in accordance with an approved monitoring methodology, pursuant to Paragraph 242 of the Agreement.

A. Computer Aided Dispatch System (“CAD”):

1. The PRPB developed a computer-aided dispatch system (CAD) for field operations, which facilitates the collection of data and information related to incidents reported by PRPB officers in all of PRPB’s agencies and police areas.

2. CAD is divided into two main software components: “CAD-Legacy” and “CAD-Mobile”.

3. On one hand, PRPB dispatchers, call-takers, and 911 operators in each PRPB Command Center (“Centro de Mando”) utilize CAD-Legacy to prioritize and record incident calls, identify the status and location of officers in the field, and effectively dispatch available officers to respond to reported incidents and emergencies.

4. On the other hand, CAD-Mobile provides PRPB patrol officer’s immediate access to dispatch activity while on the field, and with remote access to digital reporting forms and templates to instantly create a complaint (“querella”), together with a corresponding complaint number (“número de querella”), while at the scene of the incident.

5. The information provided by PRPB officers through CAD-Legacy and CAD-Mobile is then saved and immediately made available for other CAD users.

6. Due to the aftermath of Hurricane Maria, the Parties agreed to extend the deadline for full implementation of the abovementioned activities -- CAD-Legacy and CAD-Mobile -- to October 2019. *See D.E. 775.*

7. Even though the Parties extended the deadline to October 2019, the PRPB has implemented CAD-Legacy in all thirteen (13) PRPB Command Centers.

8. Similarly, the PRPB has implemented CAD-Mobile in six (6) of the thirteen (13) police areas (Carolina, Ponce, Utuado, Arecibo, Aibonito, and Aguadilla), is currently in the

process of implementing CAD-Mobile in five (5) other areas (Bayamon, San Juan, Mayaguez, Humacao, and Guayama), and will commence its implementation in two (2) additional areas (Caguas and Fajardo) by the end of this week.

B. Global Technology Electronics System (“GTE”):

1. Together with CAD, the PRPB developed GTE, which is an IT application consisting of thirty (30) modules that include a variety of reporting forms and templates for PRPB officers to create their incident reports electronically.

2. GTE collects the data created and saved in CAD and, using said data, PRPB officers create and submit their electronic incident reports to the corresponding PRPB Command Center in real time.

3. The information provided by PRPB officers through GTE is then saved and immediately made available for other GTE users.

4. Among many important capabilities, by allowing PRPB officers to report incidents and police intervention by type and category, GTE is capable of collecting data on arrests and searches, and other important statistical information on police activity.

5. As is the case of CAD-Legacy and CAD-Mobile, the Parties agreed to extend the deadline for full implementation of GTE to October 2019. *See* D.E. 775.

6. Despite said extension, the PRPB has implemented GTE in six (6) of the thirteen (13) police areas (Carolina, Ponce, Utuado, Arecibo, Aibonito, and Aguadilla), is currently in the process of implementing GTE in five (5) other areas (Bayamon, San Juan, Mayaguez, Humacao, and Guayama), and will commence its implementation in two (2) additional areas (Caguas and Fajardo) by the end of this week.

C. Early Identification System (“EIS”):

1. To comply with Paragraphs 147-153 of the Agreement, the PRPB is developing an early identification system to support the effective supervision and management of PRPD officers and employees, including the early identification of, and response to, problematic officer behaviors.

2. Once it has been completed and implemented, EIS will collect, maintain, and integrate officer information for early response and intervention in a centralized database that will facilitate access to data and data searches.

3. Currently, EIS is made up of eleven (11) individual IT projects/modules, nine (9) of which the PRPB has completed and is currently implementing, and each of which collects a specific type of information related to PRPB's officers that will be stored in the centralized EIS database upon its completion and full implementation.

4. Specifically, the PRPB has completed and is currently implementing nine (9) IT projects/modules within EIS, which include:

- i. EIS/Domestic Violence Module;
- ii. EIS/Sexual Crimes Module;
- iii. EIS/Integration of Human Resources/KRONOS;
- iv. EIS/Integration of CAD/GTE;
- v. EIS/SARP² Module;
- vi. EIS/OAL³ Module;
- vii. EIS/Use of Force Module;
- viii. EIS/Non-Punitive Misconducts Module; and

² SARP is the Spanish abbreviation for Auxiliary Superintendence of Professional Responsibility.

³ OAL is the Spanish abbreviation for PRPB's Office of Legal Affairs.

ix. EIS/Intervention Control Module.

5. The deadline for full implementation of the EIS/IT Modules listed above is currently August 2019.

6. As specified below, however, the deadline for full implementation of EIS as a whole is October 2019. *See* D.E. 775.

7. Through these EIS/IT Modules, the PRPB will store all necessary information, including each officer's personally identifiable information, work history, and history of problematic behavior, in order for the PRPB to respond rapidly and evaluate the performance of PRPB employees across all ranks, units, shifts, commands, and organization components. Agreement ¶ 147.

D. PRPB Communication System through CODECOM:

1. The PRPB developed an internal Communications System through CODECOM, Inc., a telecommunication systems company.

2. The PRPB acquired communication equipment from CODECOM to digitally record and store the communications generated between PRPB supervisors and the corresponding PRPB Command Center in relation to arrests and the grounds for said arrests ("motivos fundados"), including felony arrests, and arrests for obstruction of justice, among others.

3. CODECOM already completed the installation of the Communication System.

4. To date, PRPB has bought 3,000 portable radios for PRPB officers, through which radio communications reach the Communication System. The PRPB is in the process of identifying funds to buy 5,000 additional radios, which is PRPB's estimate of the amount of radios it needs in order to fully implement the system.

5. As is the case for CAD and GTE, the Parties agreed to extend the deadline for full implementation of the abovementioned activity to October 2019. *See D.E. 775.*

E. System of Virtual Courses through National University College (“NUC”):

6. Together with the PRPB Academy and National University College, the PRPB IT Division developed a virtual platform (through Blackboard/Canvas) through which PRPB officers have access to online trainings and re-training courses.

7. This platform allows PRPB officers to remotely meet training requirements while they are in active service with the PRPB.

8. The Parties agreed to extend the deadline for full implementation of this system to October 2019. *See D.E. 775.*

9. To date, the PRPB has completed the virtual platform and ten (10) of the courses to be offered to PRPB officers through said platform, and is currently developing an additional ten (10) courses along with the Police Academy and NUC.

F. Formal Community Partnerships (“Alianzas Comunitarias Formales”):

10. The PRPB developed an information system designed to collect and distribute data and information concerning the community partnerships created by PRPB, as well as the activities carried out with its community partners, the measures taken by the PRPB to engage in said partnerships, as well as the obstacles that the PRPB has faced and recommendations made by these partnerships to the PRPB.

11. The information collected through this system will serve as a work tool through which the Office of the Police Commissioner and related PRPB units can improve their work based on the recommendations made by its community partners.

12. Additionally, this system serves as the basis for PRPB's annual report related to these community partnerships.

13. This system was the first system developed and completed by PRPB's IT Division and it is being implemented since 2017.

G. Project Control (“Control de Proyectos”):

14. Project Control is an information system through which the PRPB keeps track and follows up on the progress it has made in the implementation activities identified by it in each of its eleven (11) Action Plans designed to comply with the Agreement. D.E. 550-1.

15. Specifically, through Project Control, the PRPB records and stores all information related to said implementation activities, including activity descriptions, status, and progress made, as well as the repetitions related to each process established in the PRPB's General Orders and approved forms.

16. To date, the PRPB has completed and is implementing Project Control.

Eight (8) IT Systems in Development Phase

A. KRONOS:

1. The PRPB is developing an IT system named KRONOS⁴ to record and store PRPB employee records, including a uniform electronic record of employee time-sheets, as well as updated, detailed and reliable certificates and statistics on PRPB officers training and retraining efforts.

⁴ While the KRONOS platform has been created and is being implemented through the installation of equipment island-wide, some of the different functionalities within the system are still not functional and are currently being developed.

2. Currently, the time-keeping function of KRONOS is functional, but due to constant requests for changes and modifications to other KRONOS functionalities, the system as a whole is still being developed and updated by the PRPB's IT Division.

3. The PRPB agreed with the United States Department of Labor to extend the deadline for full implementation of the time-keeping module in KRONOS to June 2020, as part of a separate Consent Judgment. *See D.E. 62 & D.E. 62-1, Alexander Acosta v. Puerto Rico Police Department, et al.*, No. 16-2849 (D.P.R. Oct. 18, 2016).

B. Police Training Management System (“PTMS”):

1. To assist PRPB's Auxiliary Superintendence of Education and Training (“SAEA”), and to facilitate the efficient management of PRPB's Academy, the PRPB is developing a Police Training Management System (“PTMS”) which will collect and store complete and accurate digital records regarding the Academy's curriculum, teaching plans, and other materials used by SAEA for the development of its training and re-training programs.

2. Similar to a university's registry system, PTMS will allow the PRPB to protect these records, divide them by category, and provide easy access to SAEA for administration purposes.

3. Due to constant requests for changes and modifications to PTMS, the system is still being developed by the PRPB's IT Division.

4. The Parties agreed to extend the deadline for full implementation of PTMS to October 2019. *See D.E. 775.*

C. Promedia:

1. The PRPB is developing an information system named Promedia to manage and digitalize PRPB employees' performance evaluations.

2. The PRPB will utilize Promedia to collect and distribute all data and information related to the criteria utilized by PRPB to evaluate members of PRPB's rank system and classified personnel.

3. The Evaluations Unit of PRPB, which is the unit in charge of the development of Promedia, is developing the system but has yet to fulfill all of the IT requirements for its completion.

4. The Parties agreed to extend the deadline for full implementation of Promedia to October 2019. *See D.E. 775.*

D. Virtual Library (“Biblioteca Virtual”):

1. The PRPB is developing a Virtual Library, which is a webpage through which the community can submit comments to PRPB's policies and procedures.

2. The Unit of Policies and Procedures, which is part of PRPB's Reform Office, will analyze these comments and incorporate any changes it sees fit to its policies and procedures during the review process of said policies and procedures pursuant to the Agreement.

3. Currently, the PRPB is having trouble with the webpage hosting, but is working towards obtaining a more robust, functional, and secure hosting for its webpage.

4. The Parties agreed to extend the deadline for full implementation of the Virtual Library to October 2019. *See D.E. 775.*

E. Virtual Library Comments Module (“Biblioteca Virtual Módulo de Comentarios”):

1. The PRPB is developing a section in the PRPB Virtual Library through which citizens can submit comments about the policies and procedures approved and signed by the Police Commissioner, to be analyzed by the Policy and Procedure Section attached to the Office of Reform, and incorporate such comments during its policy review process, as applicable.

2. Currently, the PRPB is having trouble with the webpage hosting, but is working towards obtaining a more robust, functional, and secure hosting for its webpage.

3. The Parties agreed to extend the deadline for full implementation of the Virtual Library Comments Module to October 2019. *See D.E. 775.*

F. Citizen Complaints or Recognition Module

1. The PRPB is developing a section within the PRPD website through which citizens can submit complaint forms against members of the PRPB.

2. Currently, the PRPB is having trouble with the webpage hosting, but is working towards obtaining a more robust, functional, and secure hosting for its page.

3. The Parties agreed to extend the deadline for full implementation of the Citizen Complaints or Recognition Module to October 2019. *See D.E. 775.*

G. EIS/Inspections Module:

1. Contrary to the EIS/IT Modules listed above, the PRPB is still developing the EIS/Inspections Module.

2. Once completed and implemented, EIS/Inspections Module will collect all data and information related to all operational, investigative, and administrative employee inspections carried out by SARP and said data will be integrated to the EIS database.

3. This module will identify operational and administrative deficiencies, including its causes and contributory factors.

4. The module will provide regular reports on inspections and resulting decisions from said inspections.

5. The Parties agreed to extend the deadline for full implementation of EIS/Inspections Module to October 2019. *See D.E. 775.*

H. EIS/Hate Crimes Module:

1. Similar to the EIS/Inspections Module, the PRPB is still developing the EIS/Hate Crimes Module.
2. The Parties agreed to extend the deadline for full implementation of the EIS/Hate Crimes Module to October 2019. *See D.E. 775.*

Three (3) IT Systems in Design Phase

I. PTMS/Shooter Module:

1. The PRPB is designing a system for the Dean's Office for Training in Use and Management of Firearms of the PRPB Academy ("Decanato de Adiestramiento en Uso y Manejo de Armas de Fuego") named "PTMS/Shooter."
2. Through PTMS Shooter, which is related to the Registry System of the Academy, the Academy will keep track of the shooting exercises completed by PRPB officers and the evaluations related to those exercises.
3. Due to constant design changes and modifications, this PTMS module is still being designed by the PRPB.
4. The parties agreed to extend the deadline for full implementation of PTMS/Shooter to October 2019. *See D.E. 775.*

J. PTMS/Cadet Module:

1. Similarly, the PRPB is currently designing a cadet registry system named PTMS/Cadet, which will allow the Academy to keep track of the number of registered cadets and the courses and trainings in which these cadets participate and complete.
2. Due to constant design changes and modifications, this PTMS module is still being designed by the PRPB.

3. The parties agreed to extend the deadline for full implementation of PTMS/Shooter to October 2019. *See* D.E. 775.

K. Body Worn Cameras (“BWC”):

1. The PRPB is currently designing a system to record and digitally store the videos captured by PRPB officers through body worn cameras when responding to incidents.

2. This system will allow PRPB supervisors to collect said video recordings and analyze the same to resolve use of force and improper conduct incidents reported by the community and supported by witness statements.

3. The PRPB received a federal grant (\$246,713.00) to support PRPB’s efforts in acquiring the necessary equipment (mainly, body worn cameras) and to support the project’s implementation.

4. The PRPB is in the process of drafting and publishing a general order to establish the norms and procedures related to the creation and development of this system in light of said federal grant.

5. The parties agreed to implement a pilot program in accordance with the timeframes established by the federal grant awarded by the Bureau of Justice Assistance of the United States Department of Justice.

Finally, it is important for the Court to note that, to develop the IT system and the projects described above, the PRPB has spent a total of \$44,880,071.95⁵ since 2015. The PRPB’s

⁵ The budget to carry out the IT activities included in the Action Plan for Fiscal Years 2015-2019 was estimated at \$15,679,202. D.E. 550-1 at 294. However, as specified in the Action Plan, said amount constituted a projected budget, which did not contemplate additional expenses and unanticipated needs for additional equipment that arose since the drafting of the Action Plan.

commitment to a robust IT infrastructure to support the Police Reform and the PRPB's operations is evident from this substantial investment.

III. TIMEFRAME FOR PLAN OF ACTION

As set forth above, Paragraph 218 of the Agreement requires that PRPB establish information systems and use technology to support the implementation of the Agreement. Accordingly, the Parties believe that the plan of action required by the Court in D.E. 1134 should be developed in consideration of the substantive requirements of the Agreement that the IT systems are intended to support, rather than as stand-alone IT requirements. This integrated approach permits the Parties and the Monitor to account for operational and administrative needs, such as policies and training that are critical to the full implementation of the Agreement. Therefore, the Parties propose that the Commonwealth submit a plan of action on IT within 30 days from the date that this request is approved by the Court.

WHEREFORE, the Parties respectfully request the Court to take notice of the Commonwealth's report on the status of PRPB's IT projects and grant a 30-day period for the Commonwealth to submit a plan of action in accordance with the Order at D.E. 1134.

RESPECTFULLY SUBMITTED.

WE HEREBY CERTIFY: That today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico, using the CM/ECF system which will send a copy and notification of filing to all counsel of record.

In San Juan, Puerto Rico, this 1st day of April, 2019.

For Plaintiff UNITED STATES OF AMERICA:

STEVEN H. ROSENBAUM
Chief, Special Litigation Section

For Defendants COMMONWEALTH OF PUERTO RICO, ET AL.:

s/ Arturo J. Garcia Sola
Arturo J. Garcia Sola
USDC-PR No. 201903

s/ Timothy D. Mygatt
TIMOTHY D. MYGATT
Deputy Chief
timothy.mygatt@usdoj.gov

s/ Luis E. Saucedo
LUIS E. SAUCEDO (G01613)
Counselor to the Chief
luis.e.saucedo@usdoj.gov

s/ Jorge Castillo
JORGE CASTILLO (G02912)
Trial Attorney
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, NW
Washington, DC 20530
Telephone: (202) 598-0482
Fax: (202) 514-4883
jorge.castillo@usdoj.gov

Attorneys for Plaintiff

ajg@mcvpr.com

s/ Maria A. Dominguez
Maria A. Dominguez
USDC-PR No. 210908
madt@mcvpr.com

s/ Javier F. Micheo Marcial
Javier F. Micheo Marcial
USDC-PR No. 305310
jfmm@mcvpr.com

McCONNELL VALDÉS LLC
P.O. Box 364225
San Juan, PR 00936-4225
Telephone (787) 250-5641
Fax: (787) 759-8282

Attorneys for Defendants

For OFFICE OF THE FEDERAL
MONITOR:

s/ Arnaldo Claudio
Col. Arnaldo Claudio,
US Army (Ret)
Federal Monitor